



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

TO: Sponsors of Statewide Ballot Proposals, New Political Party Petitions, and
Candidates without Political Party Affiliation
FROM: Secretary of State, Bureau of Elections
DATE: April 3, 2014
RE: **Enactment of Legislation Regarding Non-Resident Petition Circulators**

Public Act 94 of 2014 (HB 5152 of 2014), which was signed into law and became effective on April 3, 2014, allows the sponsors of certain kinds of petitions to utilize petition circulators who are not Michigan residents, subject to the conditions specified below. As a result, non-residents are now authorized to circulate the following types of petitions:

Initiative Petition to Amend the Michigan Constitution
Initiation of Legislation (Statewide)
Referendum of Legislation (Statewide)
Petition to Form a New Political Party
Qualifying Petition (filed by independent candidates) for the following offices –
President of the United States
United States Senator
Governor
Attorney General
Secretary of State
State Board of Education
University of Michigan Board of Regents
Michigan State University Board of Trustees
Wayne State University Board of Governors
Justice of the Supreme Court

Circulators of the petitions specified above must 1) be registered to vote in Michigan, or 2) be qualified to be registered to vote in Michigan, or 3) be at least 18 years of age, a United States citizen, and have signed an irrevocable written stipulation concerning legal process. By executing the irrevocable written stipulation, non-resident circulators agree to accept the jurisdiction of the State of Michigan for the purpose of any legal proceeding or hearing concerning a challenge to a petition sheet executed by the circulator. Non-resident circulators also agree that service of process upon the Secretary of State or his or her designee has the same effect as if personally served on the circulator.

Petitions Already Approved as to Form and Placed in Circulation
--

For petitions that were approved as to form and placed in circulation by April 3, 2014, sponsors are not required to alter the certificate of circulator printed on the petition in order to enable a

non-resident to circulate it, but instead must require all non-resident petition circulators to sign and date an irrevocable written stipulation that bears the circulator's signature and date of signing, printed name, residence address, mailing address (if different), telephone number, and email address, and the following statement:

“If at the time of circulating the petition and executing the certificate of circulator the undersigned circulator is not qualified to be a registered elector of this state, he or she agrees to accept the jurisdiction of the State of Michigan for the purpose of any legal proceeding or hearing initiated under the Michigan Election Law that concerns a petition sheet executed by the circulator and agrees that any legal process concerning a petition sheet executed by the circulator served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.”

In addition, petition sponsors must retain all non-resident circulators' irrevocable written stipulations for one year and upon request, immediately furnish the irrevocable written stipulation of a non-resident circulator to the Secretary of State, the Secretary of State's designee, or the Board of State Canvassers.

Petitions NOT Approved as to Form and Placed in Circulation by April 3, 2014

The sponsors of petitions that were not approved as to form and placed in circulation by April 3, 2014, the effective date of Public Act 94, must do all of the following:

1. In the certificate of circulator printed on the lower left corner of the signature side of the petition, include the following:

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition. If at the time of circulating the petition and executing the certificate of circulator the undersigned circulator is not qualified to be a registered elector of this state, he or she agrees that any legal process concerning a petition sheet executed by the circulator served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

2. Following the certificate of circulator printed on the signature side of the petition, include the following:

CIRCULATOR – Do not sign or date certificate until after circulating petition.

_____/_____/_____
Signature of Circulator Date

Printed Name of Circulator

City or Township Where Registered or Qualified to be Registered, if a Resident of this State

Complete Residence Address (Street and Number or Rural Route)

Zip Code

3. Require all non-resident petition circulators to sign and date an irrevocable written stipulation that bears the circulator's signature and date of signing, printed name, residence address, mailing address (if different), telephone number, and email address, and the following statement:

“If at the time of circulating the petition and executing the certificate of circulator the undersigned circulator is not qualified to be a registered elector of this state, he or she agrees to accept the jurisdiction of the State of Michigan for the purpose of any legal proceeding or hearing initiated under the Michigan Election Law that concerns a petition sheet executed by the circulator and agrees that any legal process concerning a petition sheet executed by the circulator served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.”

4. Retain all non-resident circulators' irrevocable written stipulations for one year.
5. Upon request, immediately furnish the irrevocable written stipulation of a non-resident circulator to the Secretary of State, the Secretary of State's designee, or the Board of State Canvassers.

Service of Process

By signing the irrevocable written stipulation form and certificate of circulator (if applicable), non-resident circulators agree to accept the jurisdiction of the State of Michigan with respect to any legal proceeding regarding a challenge to a petition sheet they executed. Service of process by the Secretary of State or his or her designee shall be by personal service or certified mail sent to the circulator's residential or mailing address as specified in the irrevocable written stipulation. The irrevocable written stipulation remains in effect for the pendency of any legal proceeding concerning a petition sheet signed by the non-resident circulator.

Additional Information

Copies of Public Act 94 and HB 5152 of 2014 are available on the legislature's website, www.michiganlegislature.org. The amendatory language described in this memorandum will be codified at MCL 168.544c.

For any additional questions regarding this legislation, please contact the Bureau of Elections at (517) 373-2540 or elections@michigan.gov.